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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.19458 OF 2021

B.Sasi

... Petitioner

Vs.

1. The District Revenue Officer,
Kallakurichi, Kallakurichi District
2. The Revenue Divisional Officer,
Thirukovilur, Kallakurichi District
3. The Tahsildar,
Ulundurpet Taluk Office,
Ulundurpet,
Kallakurichi District
4. Posai Mani
5. Anjalai

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent passed in the proceedings No.Na.Ka.Aa3/753/2019 dated 11.03.2020 and quash the same and consequently direct the 1st respondent to rectify the clerical mistakes in respect of extent alone in all the revenue records of Survey Nos.3/3A and 3/3B of Somasipalayam Village, Ulundurpet Taluk, Kallakurichi District and issue patta in favour of the petitioner.

For Petitioner : Mr.T.Gandhi

For Respondents : Mr.Yogesh Kannadasan
for R1 to R3
Government Advocate



O R D E R

This Writ Petition is filed under Article 226 of the Constitution of India to call for the records of the 1st respondent passed in the proceedings No.Na.Ka.Aa3/753/2019 dated 11.03.2020 and quash the same and consequently, direct the 1st respondent to rectify the clerical mistakes in respect of extent alone in all the revenue records of Survey No3/3A and 3/3B of Somasipalayam Village, Ulundurpet Taluk, Kallakurichi District and issue patta in favour of the petitioner.

2. The brief facts of the case is that one Chokkan and Subburayan of joint family members purchased 1.60 acres of agricultural land in Survey no.3/3 vide sale deed Doc.Nos.357/1975, 675/1975, 765/1975 and 1397/1982. The said Subburayan sold 40 cents of land in Survey No.3/3 to one Amirthammal vide registered sale deed Doc.No.108/1987. Under UDR scheme, the 3rd respondent sub-divided the said Survey Nos.3/3 into 3/3A for Subburayan family under Patta No.210 and 3/3/B for Amirthammal under Patta No.121. However, in the field measurement map (FMB Map), the 3rd respondent by mistake wrongly mentioned the total extent of 3/3A as 21 Ares instead of 48.57 Ares (1.20 acres) and for 3/3B as 44 ares instead of 16.19 Ares (40 cents) and the error has crept in the extent alone. Without knowing the same, Subburayan family partitioned their properties among themselves and this property, Survey No.3/3A measuring 60 cents and other land in Survey No.3/8 measuring 54 ½ cents was allotted to one Sivanesan. Further, due to the said error, wrong survey number was mentioned in the partition deed. The petitioner purchased the said lands from the said Sivanesan vide registered sale deed Doc.No.495/1995. The same error was continued in this sale deed also. Hence this Petition.

3. The learned counsel for the petitioner submits that the petitioner is the absolute owner and in peaceful possession and enjoyment of the agricultural land in Survey No.3/3A Western side 60 cents and the land in Survey No.3/3B Northern side 54 ½ cents. After determining the wrong survey number, the same was rectified by a registered deed of rectification Document no.1241/1995. Thereafter, the petitioner approached for separate patta for the said land in survey no.3/3A, only at that stage, it was found that there was a clerical mistake in the FMP Map in respect of the extent alone. Therefore, the petitioner made a representation to the 1st respondent for correction of mistakes in the FMB Map and the 1st accepted the mistake and referred for correction and 3rd respondent also accepted the mistakes and recommended for correction, but the 1st respondent / DRO rejected for correction, therefore, the petitioner has come up with the present petition.



4. Mr.Yogesh Kannadasan, learned Government Advocate appearing for the respondents 1 to 3 produced a letter Na.Ka.m5/8378/2017 dated 28.09.2021 from the Revenue Divisional Officer, Ulundurpet .

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5. Heard the learned counsel for the petitioner as well as learned Government Advocate appearing for the respondents 1 to 3.

6. On a perusal of the said letter Na.Ka.m5/8378/2017 dated 28.09.2021 it is seen that the said authority, viz., Revenue Divisional Officer is requesting the petitioner as well as other parties to approach him for the enquiry on 18.10.2021, whereas, the petitioner is seeking correction in the extent of land, which was already rejected by the District Revenue Officer, Kallakurichi on 11.03.2020, wherein in the said order it is stated that the petitioner had inhibited the property by way of partition deed in Document No.286/93 and on scrutinising the said document it is noted that the property falls under D schedule property and the Survey Number is mentioned as '3/8' and not as 3/3A. Since there is no rectification deed initiated for correcting the said mistake in the partition deed, the request of the petitioner to change the extent in the survey number cannot be considered.

7. At present, after filing the Writ Petition, the Revenue Divisional Officer, Ulundurpet has called the petitioner for enquiry on 18.10.2021 and the petitioner is ready and willing to appear for enquiry on 18.10.2021 with all the necessary documents to establish his case.

8. Without expressing any opinion on the merits of the case, this Court hereby directs the petitioner to appear before 2nd respondent on 18.10.2021 at 3.00 p.m., along with the relevant documents to establish her case and the said authority is hereby directed to pass appropriate orders on merits and in accordance with law within a period of eight weeks thereafter.

In view of the above, the Writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

ssd



To

1. The District Revenue Officer,
Kallakurichi, Kallakurichi District

2. The Revenue Divisional Officer,
Thirukovilur, Kallakurichi District.

3. The Tahsildar,
Ulundurpet Taluk Office,
Ulundurpet,
Kallakurichi District.

+1cc to Mr.T.Gandhi, Advocate, S.R.No.51066

+1cc to the Government Pleader, S.R.No.51255

W.P.No.19458 of 2021

PVS(CO)
RLP(26/10/2021)